

	<b>Planning and Zoning Commission STAFF REPORT</b>	<b>AGENDA</b>  # _____
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**TO:** CASA GRANDE PLANNING AND ZONING COMMISSION

**FROM:** Jim B. Gagliardi, City Planner

**MEETING DATE:** September 5, 2013

<b>REQUEST</b>
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**Request by Brian Ruggles** for the following land use request:

1. **DSA-13-00115: Conditional Use Permit** for a Commercial Recreation use within a B-2 zone district to allow an indoor baseball/softball facility. (APN 505-20-008A).

<b>APPLICANT/OWNER</b>
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**Applicant**

Brian Ruggles, Hit Zone LLC  
1353 E Judi Dr  
Casa Grande, AZ 85122  
P: 520-858-4571  
F: N/A  
Email: [bruggles@cguhsd.org](mailto:bruggles@cguhsd.org)

**Owner**

Terrence Nyquvest, TDD Properties, Inc  
417 Sioux Rd  
Sherwood Park, Alberta, Canada 28H 2C7  
P: 780-417-1776  
F: N/A  
Email: [lcooper@canadaspiritsliquormarts.com](mailto:lcooper@canadaspiritsliquormarts.com)

<b>HISTORY</b>
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1968: Area was annexed into the City of Casa Grande

1970: Neighborhood shopping center was constructed.

1987: Zoning as of this year was known to be B-2 per Ordinance No. 1178

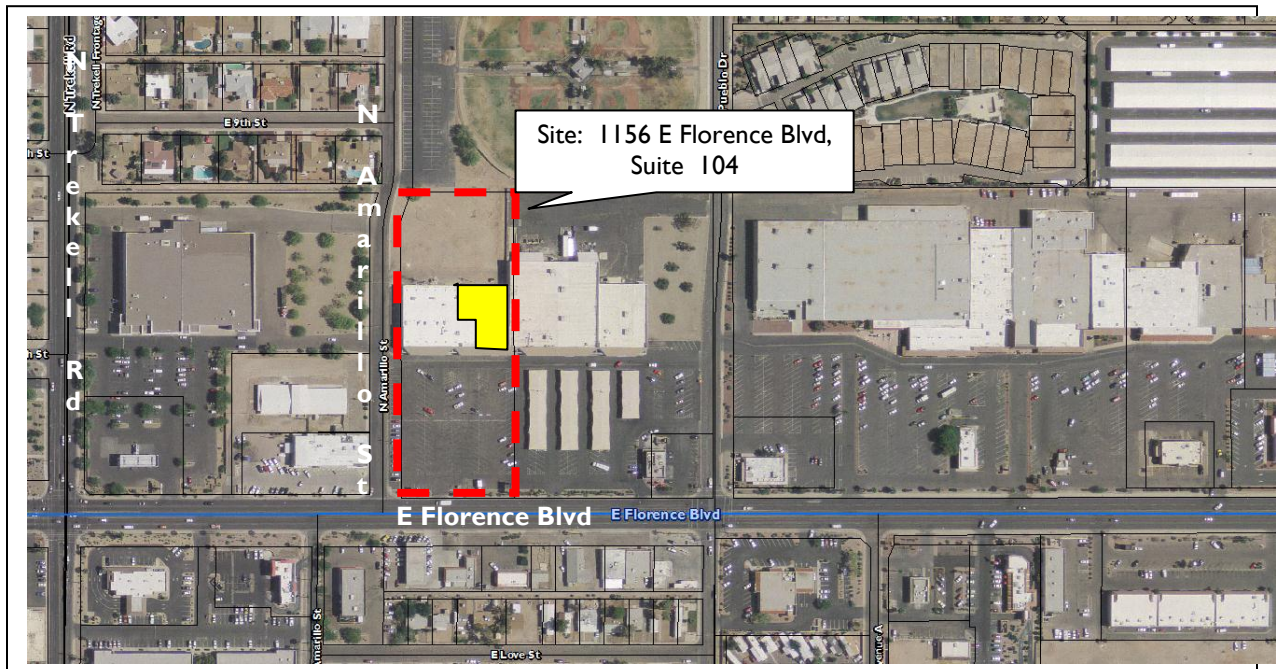
<b>PROJECT DESCRIPTION</b>
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<b>Site Area</b>	1.30 acres (56,628 sq. ft.) lot / 8,768 sq. ft. suite
<b>Current Land Use</b>	Community Center
<b>Existing Zoning</b>	B-2 (General Business)

## Surrounding Land Use and Zoning

Direction	General Plan 2020 Designation	Existing Zoning
North	<i>Neighborhoods</i>	R-1 (Single-Family Residential)
East	<i>Community Center</i>	B-2 (General Business)
South	<i>Community Center</i>	B-2 (General Business)
West	<i>Community Center</i>	B-2 (General Business)

## SITE CONTEXT AERIAL



## General Discussion:

Applicant Brian Ruggles of Hit Zone, LLC is requesting the approval of a Conditional Use Permit to operate an indoor baseball and softball facility at 1156 E Florence Blvd, Suite 104, at the Food City Shopping Center between the existing tenants Aaron's Electronics Store and Marisco's Mexican Restaurant.

The property is located within the General Business (B-2) zone. The indoor baseball and softball facility is considered a *Commercial Recreation* use, which is listed among those uses that require a Conditional Use Permit within the B-2 zone per 17.24.120 of the City Code.

A Letter Agreement is on file (and referenced herein as an Exhibit) between the applicant and City Planning to allow a Temporary Certificate of Occupancy and

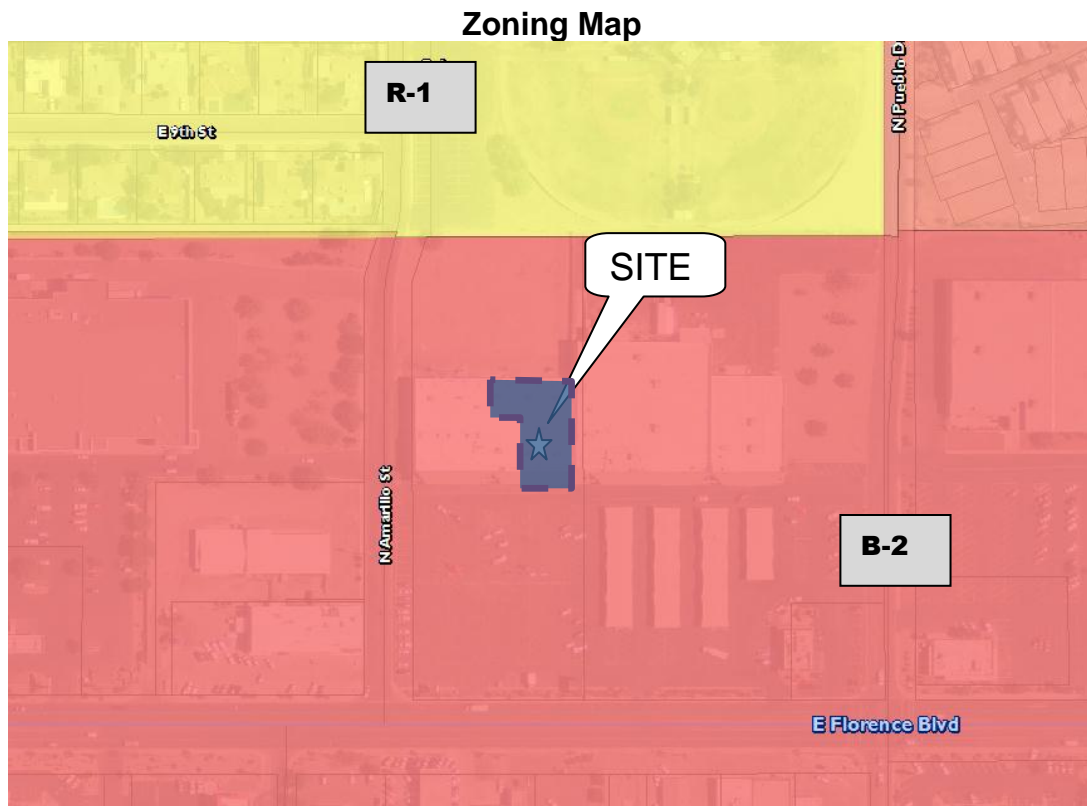
Electrical Permit for the business. Per a condition of the Letter Agreement, should a Conditional Use Permit not be approved, the business would have to be removed. If approved, the applicant would be required to get a Certificate of Occupancy and comply with applicable building code requirements for use of the space as an indoor baseball and softball facility.

The conditional use request for the commercial recreation use is for Suite 104, an 8,768 sq. ft. space accommodating six batting cages, both manual and automatic; a pitching tunnel, and a concessions area. The applicant proposes to offer hitting/pitching clinics, personal instruction, and hitting leagues for customers of varying ages and skills.

### CONFORMANCE WITH ZONING

The property is zoned General Business (B-2). The purpose of the B-2 zone is to provide for low intensity, retail or service outlets which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and located in areas which are served by arterial street facilities. Commercial Recreation uses within the B-2 zone district are permitted with the approval of a conditional use per 17.24.120 of the City Code. The use is proposed to be located entirely indoors.

There is no site plan on file for this property. Modifications to the building's exterior are not planned. Because the proposed use is within an existing tenant space of an established shopping center, no site review is required except for parking compliance.



<b>CONFORMANCE WITH CONDITIONAL USE PERMIT REVIEW CRITERIA</b>
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*The Commission, in approving a Conditional Use Permit, shall find as follows:*

**That the site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate the use with the land and uses in the vicinity;**

The proposed use is to occur entirely within an existing tenant space; therefore minimum physical impact to the property will result with the inclusion of this Commercial Recreation Use. A parking analysis was done to determine if the site can accommodate the number of required parking spaces with respect to all other uses located upon the lot. The City Code does not have a specific calculation for batting cages; therefore the Planning Director made an administrative determination that an indoor batting cage facility shall be parked at two parking spaces per station. This was most similar to the code's requiring of two parking spaces per bowling alley lane. With six batting cages and one pitching tunnel, it's determined the use requires 14 parking spaces. Per the parking analysis (attached herein as an exhibit), the lot has 155 parking spaces. With the addition of this use within an existing tenant space, the site requires 98 parking spaces; therefore there will be no impact resulting from this use.

**That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;**

The existing shopping center is served by minor arterial (E. Florence Blvd) and a minor collector (N Amarillo St). By comparison of other uses allowed within the B-2 that have a more intense parking demand and trip generation, the Commercial Recreation use appears to create little to no impact to the existing streets and their carrying capacity.

**That the proposed use will have no adverse effect upon the abutting property;**

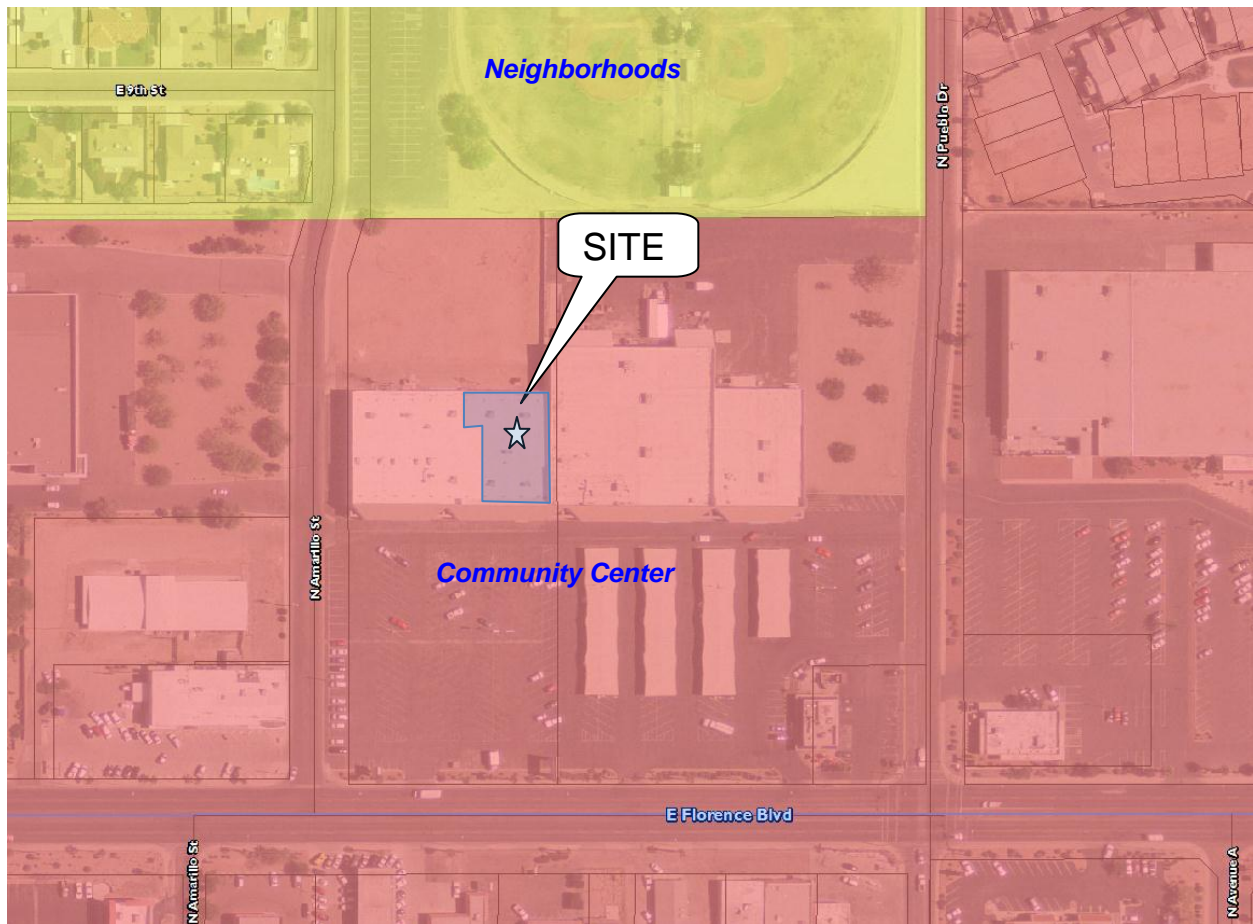
Aaron's Electronics and Marisco's restaurant are the adjoining tenant spaces within the existing shopping center. It appears that adjacent businesses have the same or greater effect on surrounding property than the proposed use. Commercial properties adjoin the site on all sides except for the R-1 zoned property to the north. The use on this property is the Evergreen Elementary School's softball fields; therefore, the addition of this use within an existing tenant space will have little effect.

**That the proposed use shall be in conformance with the General Plan;**

The site is within the *Community Center* category of the General Plan and conforms to the goals of this land use category. Commercial uses are allowed in said category. The placement of a Commercial Recreation use at this location, within an existing tenant space, supports the Community Center's aim of providing a mixture of land uses. This use will also attract varying ages and groups within the community supporting the idea of a *Community Center* land use.



## General Plan 2020 Map



**That the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.**

Staff finds that because Commercial Recreation use is permitted as a conditional use in the B-2 zone, there is a need to ensure that the proposed use is compatible with those uses that are permitted by right. Therefore, conditions are necessary to ensure that the use will have no adverse effect on the public health, safety and general welfare of the community. This will ensure compatibility with the surrounding area. The conditions are stated below and are included within Resolution DSA-13-00115.

### **PUBLIC NOTIFICATION/COMMENTS**

#### **Notification**

Public hearing notification efforts for this request meet the requirements set out by City Code. They include:

- A notice was published in the Casa Grande Dispatch on August 21, 2013 for the September 5, 2013 Planning and Zoning Commission public hearing.
- Notice was mailed by the City on August 19, 2013, to each owner of property situated within 200 hundred feet of the subject property. An affidavit

- confirming this is located in the project file.
- A sign was posted by the applicant on August 21, 2013 on the subject site at least fifteen days before the day of the hearing. An affidavit confirming this posting was supplied by the applicant.

### **Inquiries/Comments**

Staff received no response from the public notification.

<b>STAFF RECOMMENDATION</b>
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Staff recommends the Planning and Zoning Commission approve the **Conditional Use Permit and associated Resolution DSA-13-00115** for a Commercial Recreation use within the B-2 zone at Suite 104 of the Food City Shopping Center located at (APN 505-20-008A) with the following conditions:

Per Resolution DSA-13-00115:

- a. The Commercial Recreation use to be allowed is for an indoor facility and use only, within Suite 104 of the Food City Shopping Center.
- b. The uses allowed are limited to activities associated with baseball and softball, as well as related instruction to individuals or groups, and the holding of associated events. Any unrelated use to an indoor baseball and softball facility, but considered as Commercial Recreation, would be subject to further Conditional Use review.
- c. The granting of this Conditional Use does not relieve applicant from compliance with applicable building codes and other applicable regulations such as occupancy requirements and signage.

### **Exhibits:**

Exhibit A – Project Narrative  
Exhibit B – Applicant Justification Statement  
Exhibit C – Letter Agreement  
Exhibit D – Parking Analysis  
Exhibit E – Resolution

## Exhibit A—Project Narrative



### ***EXECUTIVE SUMMARY***

Hit Zone, LLC will be an indoor baseball/softball facility located in Casa Grande, Arizona. There are currently no other batting/pitching facilities like this one anywhere in the Casa Grande or immediate surrounding areas. This plan will serve as a road map to illustrate the capacity of our services, as well as a means to attain the necessary capital to open this facility.

Baseball and softball are major sports in the Casa Grande and surrounding areas. This area hosts numerous little leagues for both baseball and softball (ages 4-14), five high school baseball and softball programs, and one collegiate baseball and softball program. The Hit Zone will provide all baseball and softball enthusiasts of this area a state-of-the-art training facility that can be utilized year-round to enhance the skills of these athletes.

### ***MISSION***

Hit Zone is an indoor, year-round baseball facility designed to develop and enrich batting and pitching skills of baseball and softball players in the Casa Grande and surrounding areas. It is our mission to provide the best service, staff, and equipment to meet the needs of our customers while generating a profit for the owners and investors. Working closely with area little leagues, high schools, and colleges in the area, The Hit Zone will strive to support and sponsor many local programs while providing a first class facility for our customers to train.

## ***LOCATION***

Hit Zone will be a square foot facility located in the which is located at the intersection of ; and in Casa Grande. Casa Grande is a centralized location to the surrounding cities and towns, as well as equal distance between the Phoenix and Tucson areas. This will make Casa Grande a prime location to support not only Casa Grande baseball/softball players, but surrounding area baseball/softball players as well. Our location in Casa Grande will put us just miles away from local little league fields and high schools in town.

## ***SERVICES***

Hit Zone will be an indoor batting/pitching facility that provides its customers with various services which includes: batting cages, a pitching tunnel, and a concessions area. Throughout the year, The Hit Zone will conduct numerous hitting/pitching clinics, personal hitting/pitching instruction, and hitting leagues for customers of all ages and skill levels.

## ***BATTING CAGES***

Hit Zone will initially house automated batting cages and manual operated cages. The automated cages will be equipped with machines that allow for baseball or softballs to be thrown at 4 different speeds depending on choices of the hitter. The manual operated cages will be equipped with manual feed baseball and softball machines, along with protective screens for live pitching. The automated cages will require tokens for use, while the manual cages will be rented by the hour and half-hour.

## ***THE BULLPEN***

The Bullpen will be the home to our pitching tunnel, which will be equipped with baseball and softball pitching mounds, target pitch trainers, and radar guns for individual practice. This tunnel will be rented by the half-hour and quarter-hour.

## ***THE DUGOUT***

The dugout is a food and drink lounge area designed as a waiting for parents and nonparticipating visitors to hang out while others use the facility. The dugout will open with the sale of drinks, candy, hot dogs, and other small concession items. As business in the facility increases, the menu at the dugout will increase accordingly.



## Exhibit B – Applicant Justification Statement

### **Conditional Use Permit Justification Statement**

In accordance with Section 17.68.120.B, the Planning and Zoning Commission (Commission) shall find that the Conditional Use Permit (CUP) application complies with the below review criteria:

Please explain how the proposed use complies with the following CUP review criteria:

1. That the site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate the use with the land and uses in the vicinity.

To the best of our knowledge the property will  
comply with city codes.  
Parking - There are 178 parking spaces  
and 8 handicap parking spaces

2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use:

- a) Is the plan in conformance with the Small Area Transportation Study.
- b) Is there adequate access to meet Code requirements?
- c) Does the site meet Parking standards and ADA requirements based on the proposed uses?

We believe the site meets all  
requirements.

3. That the proposed use will have no adverse effect upon the abutting property.

Will be a positive use.

4. That the proposed use shall be in conformance with the general plan:

- a) Do the proposed land uses comply with the relevant General Plan Land Use category (Neighborhoods, Manufacturing Industry, Commerce and Business, etc.)?
- b) Does the project meet the Vision, Goals, and Objectives identified in the General Plan?
- c) If the project is for a multi-family residential development or mixed-use development, are the proposed densities adhering to the citywide net target?

We believe the use will comply.

## Exhibit C – Letter Agreement



# City of Casa Grande

July 26, 2013

Mr. Brian M Ruggles  
1353 E. Judi Drive  
Casa Grande, AZ 85122

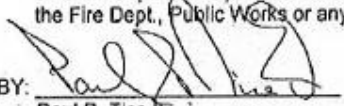
RE: Hit Zone Indoor Batting Facility – 1156 E. Florence Blvd.; Suite 104

Dear Mr. Ruggles:

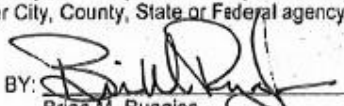
The purpose of this Letter Agreement is to allow you to obtain the zoning approval for an Electrical Permit and a Temporary Certificate of Occupancy for the Hit Zone Indoor Batting Facility you are proposing to locate at 1156 E. Florence Blvd. The terms of this Letter Agreement are as follows:

- 1) The Casa Grande Planning and Development Department agrees to grant zoning approval to your Electrical Permit and Temporary Certificate of Occupancy application allowing Hit Zone indoor batting facility to occupy the B-2 zoned 1156 E. Florence Blvd. Suite 104 tenant space. Said Temporary Certificate of Occupancy will be converted in a Final Certificate of Occupancy once a Conditional Use Permit (CUP) is approved as specified in paragraph three (3).
- 2) The Casa Grande Planning and Development Department acknowledges that an indoor batting facility would be classified as a "Commercial Recreation" land use which is only allowed upon approval of a CUP for properties located within the B-2 zone district.
- 3) You agree to submit an application for a CUP for the Hit Zone facility by August 1, 2013. Said application will be processed for consideration by the Planning Commission at their Sept. 5, 2013 meeting.
- 4) You agree that if the above reference CUP to allow the Hit Zone indoor batting facility is not approved by the Planning Commission or by City Council upon any subsequent appeal, you will take action to remove Hit Zone indoor batting facility from the development within a 90 day period of the final decision date on the CUP application.
- 5) You agree to obtain any necessary Electrical Permits to provide appropriate electrical service to the equipment to be located within the Hit Zone tenant suite. Said Permit shall be obtained, work inspected and granted final approval prior to the issuance of the Temporary Certificate of Occupancy.
- 6) You understand and agree that the issuance of a Building Permit and/or Temporary Certificate of Occupancy under the terms of this Letter Agreement does not constitute a waiver of any rights the City may have as a matter of law, nor can it be used to invoke the doctrine of "estoppel" or "laches" against the City.
- 7) You understand the terms of this Letter Agreement and willingly agree to its provisions.
- 8) You understand that this Letter Agreement procures solely the approval of the Casa Grande Planning and Development Department and in no way relieves you from compliance with the requirements of the Fire Dept., Public Works or any other City, County, State or Federal agency.

BY:

  
Paul R. Tice II  
Planning and Development Director

BY:

  
Brian M. Ruggles  
Hit Zone LLC

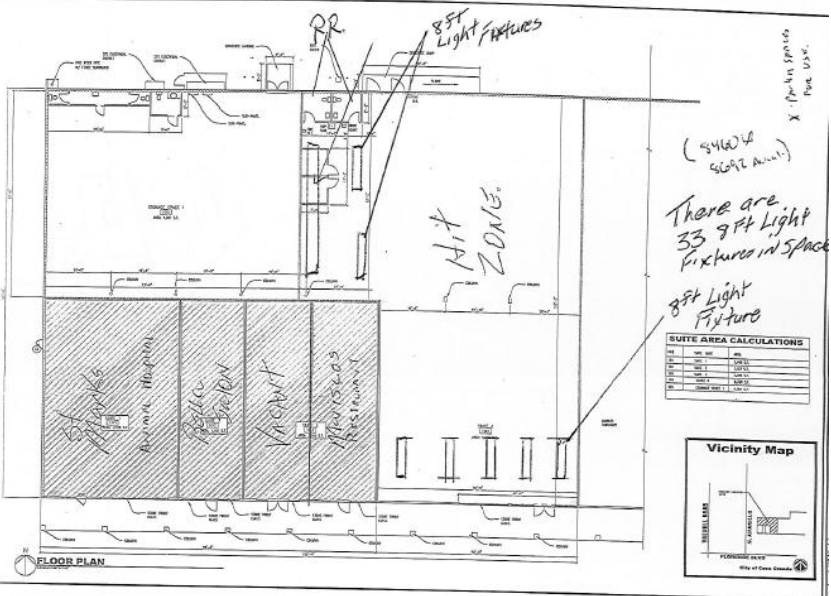
c. Dwight Williams, Building Official  
Jim Gagliardi, Planner  
Laura Blakeman, Planner  
Permit (TCO) and CUP File

Telephone: 520/421-8600 - Telefacsimile: 520/421-8602 - TDD: 520/421-8623  
City Hall: 510 East Florence Boulevard - Casa Grande, Arizona 85122

## Exhibit D – Parking Analysis

**Parking Analysis for 1156 E Florence Blvd**

Suite	Tenant	Use	Area in sf	10% floor area reduction per 17.56.010	Parking Calculation	Required Parking
1150 E. Florence Blvd. Ste 101	St. Mark Animal Hospital	Animal Hospital	2,448	2203.20	1/200	11
1150 E. Florence Blvd. Ste 102	Bella Salon	Service Establishment	1,167	1050.30	1/250	4
1150 E. Florence Blvd. Ste 103A	Vacant	Retail	1,193	1073.70	1/250	4
1150 E. Florence Blvd. Ste 103B	Mariscos Mazatlan Restaurant	Restaurant	1,193	1073.70	1/50	21
1156 E. Florence Blvd. Ste. 104	HIT ZONE, LLC	Commercial Recreation	8,768	7891.20	2 spaces per cage or 1 per 200	14/ 39
1156 E. Florence Blvd. Ste. 105	Storage	Storage	4,701	4230.90	1/250	17
1156 E. Florence Blvd.	Aaron's Sales & Leasing	Retail store	7,366	6629.40	1/250	27
<b>Total Parking Required</b>						<b>98/123</b>
<b>Total Parking Provided</b>						<b>155</b>



## Exhibit E – Resolution

### RESOLUTION NO. DSA-13-00115

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF CASA GRANDE GRANTING A CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION USE WITHIN THE GENERAL BUSINESS (B-2) ZONE FOR AN INDOOR BASEBALL AND SOFTBALL FACILITY, LOCATED AT 1156 EAST FLORENCE BOULEVARD, SUITE 104, W-230' OF SE SW SW EXC TRI OF SEC 21-6S-6E 3.26 AC, PInal County, Arizona APN 505-20-008A.

WHEREAS, applicant Brian Ruggles, has requested a conditional use permit;

WHEREAS, the conditional use permit is requested for an indoor baseball and indoor softball facility located within Suite 104 at 1156 E Florence Boulevard;

WHEREAS, the property is zoned General Business (B-2);

WHEREAS, an indoor baseball and indoor softball facility is a Commercial Recreation use which is a conditionally permitted use within the General Business (B-2) zoning district;

WHEREAS, on the 5th day of September 2013, the Planning and Zoning Commission of the City of Casa Grande held a public hearing regarding the request for the conditional use permit;

WHEREAS, the Planning and Zoning Commission of the City of Casa Grande considered all public comments made at said hearing; and

WHEREAS, the Planning and Zoning Commission of the City of Casa Grande has determined that the proposed use would be appropriate for the location proposed, subject to the conditions set forth in this Resolution;

NOW THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Casa Grande, Arizona, as follows:

1. The Planning and Zoning Commission of the City of Casa Grande makes the following findings:
  - a. The site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping is adequate to properly relate the use with the land and the uses in the vicinity;
  - b. The site for the proposed use relates to streets and highways adequate in width

and pavement type to carry the quantity and kind of traffic generated by the proposed use;

- c. The proposed use will have no adverse effect upon the abutting property;
  - d. The proposed use is in conformance with the General Plan; and
  - e. The conditions stated in this approval are necessary to protect the health, safety and general welfare.
2. The Planning and Zoning Commission of the City of Casa Grande approves the conditional use permit by the Applicant subject to the following specific conditions:
- a. The Commercial Recreation use is for an indoor facility and use only, within Suite 104 of the Food City Shopping Center.
  - b. The uses allowed are limited to activities associated with baseball and softball, as well as related instruction to individuals or groups, and the holding of associated events. Any use unrelated to an indoor baseball and softball facility, but considered as Commercial Recreation, would be subject to further Conditional Use review.
3. The Planning and Zoning Commission of the City of Casa Grande approves the conditional use permit request by the Applicant subject to the following general conditions:
- a. The granting of this Conditional Use does not relieve applicant from compliance with applicable building codes and other applicable regulations such as occupancy requirements and signage.
  - b. That the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors and assigns.
  - c. That all conditions specifically stated under any conditional use listed in this chapter shall apply and be adhered to by the owner of the land, his successors or assigns.
  - d. That the special condition shall be consented to in writing by the applicant.
  - e. That the resolution granting the application, together with all consent forms, shall be recorded by the county recorder.

PASSED AND ADOPTED by the Planning and Zoning Commission of the City of Casa Grande, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
P & Z Commission Chairman

\_\_\_\_\_  
Planning & Development Director

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

#### APPLICANT AND OWNER'S CONSENT TO THE SPECIAL CONDITIONS

The applicant and owner, hereby consent to the special conditions as enumerated above in Section 2 as they relate to this request for a conditional use permit for a Commercial Recreation use at 1156 E Florence Blvd Suite 104, Casa Grande, AZ.

\_\_\_\_\_  
Brian Ruggles  
Applicant

\_\_\_\_\_  
Terrance Nyquvest, TDD Properties, INC  
Owner